IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1505 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE A.L.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARVNIDBHAI MAGANLAL VALAND.
Versus
STATE OF GUJARAT & Others.

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Appearance :
Mr. AM PAREKH for the Petitioner.
Miss VARSHA BRAHMBHATT, AGP, for Respondents 1 to 3.
RULE SERVED BY DS for Respondent No. 4.
Mr. KALPESH N SHASTRI for Respondent No.5.
PAWANKUMAR N for Respondent No. 6.

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CORAM : HONOURABLE MR.JUSTICE A.L.DAVE

Date : 09/10/2007

ORAL JUDGMENT

1. The petitioner approached this Court with this petition

alleging that the order passed by respondent No.2 on 18th February, 1999, bearing No.CB/LND/1/V.892/99 allotting plot No.113 admeasuring 16.72 sq. metres located in Sabarmati area of Ahmedabad to respondent No.5 was illegal and without following due procedure of law. He, therefore, sought quashment of the said order and stay of operation, implementation and execution of the said order, pending the petition. While admitting the petition, this Court, by order dated 4.3.1999, granted the interim relief in favour of the petitioner, which came to be confirmed later on. The possession was directed to be not given to anyone by order dated 24.11.1999 by this Court.

2. During the pendency of this petition, as a part of development programme, the road in front of the property came to be widened by Ahmedabad Municipal Corporation and in the course of widening, the property in question has now been demolished. Learned Advocate, Mr. Parekh, therefore, states that since the property has been demolished, the petition has become infructuous and may, therefore, be disposed of accordingly.

3. Learned Advocate, Mr. Kalpesh N. Shastri, for respondent No.5, in whose favour the order under challenge in the petition was passed, also confirms this fact, so also learned Assistant Government Pleader, Miss Varsha Brahmbhatt.

4. The petition, therefore, stands disposed of as having become infructuous. Rule is discharged with no order as to costs. Interim relief is vacated.

5. Since the main petition is disposed of, Civil Application No.11883 of 1999 preferred by respondent No.5 for vacating the interim

relief and Civil Application No.3378 of 2001 again preferred by respondent No.5 for directions would not survive and stand disposed of accordingly. Rule is discharged with no order as to costs.

[A. L. DAVE, J.]

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